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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,844	12/20/2000	Juha Lehtikainen	4925-79	8127

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/742,844	Applicant(s) LEHIKONEN ET AL.	
	Examiner MINH D DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-19 and 24 is/are rejected.
- 7) ☒ Claim(s) 8-12, 20-23 and 25-29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

Detailed Actions

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-3,6,13-15,18,24 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart (US Patent 6,452,498).

Regarding claim 1, Stewart teaches a method of providing location-dependent services information to a mobile Station , the mobile station being capable of short range communication (Col. 3, lines 55-67), comprising the steps of: determining whether the mobile station is within an operating range (Col. 4, lines 8-11) of a short range communication beacon (Col. 3, line 58, in this case the communication beacon as claimed read on the Access Point (AP) in reference Stewart) for effecting wireless communication between the mobile station and the beacon; establishing a communication link (Col. 4, lines 16-18) between the mobile station and the beacon if it is determined that the mobile station is within the operating range (Col. 4, lines 8-11) of the beacon; activating a services access key on the mobile station for transmitting a short range wireless communication query to the beacon for requesting location-dependent services information pertaining to a location of the mobile station (Col. 5, lines 1-6); and transmitting, from the beacon to the mobile station in response to the mobile station query, location-dependent services information (Col. 4, lines 16-18).

Regarding claims 2 and 14, Stewart teaches the method of claim 1, wherein said transmitted location-dependent services information comprises categories of services information (Col. 4, lines 17-19).

Regarding claims 3 and 15, Stewart teaches the method of claim 2, further comprising the step of selecting, by using function keys on the mobile station, desired information from the categories of information (Col. 5, lines 1-10).

Regarding claims 6 and 18, Stewart teaches the method of claim 1, wherein said transmitted location-dependent services information comprises a text message displayed on a display of the mobile station (Col. 4, lines 17-19; Col. 5, lines 6-10).

Regarding claim 13, Stewart teaches a system for providing location-dependent services information to a mobile station, the mobile station being capable of short range communication Col. 3, lines 55-67), comprising: a mobile station including at least a short range transceiver (Col. 3, lines 62-67) and a service access key (Col. 5, lines 3-6), said mobile station located within an operating range (Col. 4, lines 8-11) of a short range transceiver of a short range communication beacon (Col. 3, lines 55-67); said service access key of the mobile station being selectable for requesting location-dependent services information pertaining to a location (Col. 5, lines 1-6) of the mobile station, and; said short range transceiver of the mobile station being capable of sending a request for location-dependent services information and receiving a reply from the short range transceiver of the short range communication beacon in response to the request for location-dependent services (Col. 5, lines 5-10).

Regarding claim 24, Stewart teaches a mobile station, comprising: an access key for requesting location based services (Col. 5, lines 1-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4,5,16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US Patent 6,452,498) in view of Evans (US Patent 6,327,535).

Regarding claims 4 and 16, Stewart teaches a method of claims 1 and 4 as indicated above but fails to teach that the mobile station comprises a Bluetooth transceiver.

However, Evans discloses a mobile station that comprises a Bluetooth transceiver (Col. 26, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the teaching of Evans to Stewart in order to have an efficient wireless, low cost and low power Bluetooth system.

Regarding claims 5 and 17, Stewart teaches a method of claims 4 and 16 as indicated above but fails to teach that the beacon comprises a Bluetooth transceiver. However, Evans discloses a mobile station that comprises a Bluetooth transceiver (Col. 26, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to provide the teaching of Evans to Stewart in order to have an efficient wireless, low cost and low power Bluetooth system.

3. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US Patent 6,452,498) in view of Rouhollahzadeh (US Patent 6,208,866).

Regarding claims 7 and 19, Stewart teaches the limitations as claimed in claims 1 and 13 as indicated above but fails to teach that the mobile station comprises a mobile phone. However, Rouhollahzadeh discloses a mobile station that comprises a mobile phone (Col. 3, lines 31-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the teaching of Rouhollahzadeh to Stewart in order to benefit the telemarketing industry that uses the cellular network to advertise their products.

Allowable Subject Matter

4. Claims 8-12, 20-23, 25-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 8, Stewart (US Patent 6,452,498) teaches the limitations set forth in claim 1. However, Stewart fails to teach that the method of claim 1, wherein the mobile station contains a memory and wherein the mobile station is capable of communicating with a base transceiver station, said method further comprising the steps of: broadcasting location information to the mobile station over the base transceiver station broadcast channel; storing the location information in the mobile station memory; sending a request along with the stored memory location from the mobile station to a remote service provider for location-dependent services information concerning services pertaining to the location information if it is determined that the mobile station is not within the operating range of the beacon; and transmitting, from the service provider to the mobile station, location-dependent services information.

Regarding claim 20, Stewart (US Patent 6,452,498) teaches the limitations set forth in claim 13. However, Stewart fails to teach that the system of claim 13, wherein the mobile station contains a memory and is capable of communicating with a base transceiver station, said system further comprising: means for broadcasting to the mobile station over the base transceiver station broadcast channel, location information; means for storing the location information in the mobile station memory; means for sending a request along with the stored memory location information from the mobile station to a remote service provider for location-dependent services information concerning services pertaining to the location information; and means for transmitting, from the service provider to the mobile station, location dependent services information.

Regarding claim 25, Stewart (US Patent 6,452,498) teaches the limitations set forth in claim 24. However, Stewart fails to teach that the mobile station of claim 24, further comprising; a processor; a memory unit; a short range transceiver enabling short range communication; a network transceiver enabling communication in a mobile network; an output device for outputting received content; software means operative on the processor for; maintaining in the memory unit a database including a communication response value and a threshold value and at least one predetermined message requesting for 20 location-dependent services usable for short range communication and at least one another predetermined message requesting for location-dependent services usable for different type of communication; starting short range communication in response to selecting the service access key using the predetermined message requesting for location-dependent services usable for short range communication; periodically scanning the value of the communication response; and if the communication response value exceeds the threshold value, starting communication using the predetermined message requesting for location-dependent services usable for different type of communication.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Hanson (US Patent 5,963,861) discloses Dealer-Locator Service And Apparatus For Mobile Telecommunications System.
- B. Baker (US Patent 6,505,046) discloses Method and Apparatus For Distributing Location-Based Message In A Wireless Communication Network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Minh Dao
Examiner
Art Unit 2682
October 20th, 2003 *MD*



NGUYEN T. VO
PRIMARY EXAMINER